

**IN THE UNITED STATES DISTRICT COURT
OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

DOUGLAS J. GURLEA,
THOMAS B. BRUNT, IV;
AND SHANE G. BRUNT,

Plaintiffs,

v.

U.S. CONCRETE, INC.,

Defendant.

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Civil Action No. 3:16-cv-00104

**UNOPPOSED MOTION TO TEMPORARILY SEAL
THE NOTICE OF REMOVAL AND ATTACHMENTS**

Pursuant to Local Rule 5.4(f) and 7.1, Defendant U.S. Concrete, Inc. (“U.S. Concrete”), by and through its undersigned counsel, hereby files this Unopposed Motion to Temporarily Seal the Notice of Removal and Attachments, and states as follows:

1. On November 23, 2016, Plaintiffs Douglas J. Gurlea, Thomas B. Brunt, IV, and Shane G. Brunt (collectively, “Plaintiffs,” and with U.S. Concrete, the “Parties”) filed their Complaint against U.S. Concrete in the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, in the action captioned *Douglas J. Gurlea, et al. v. U.S. Concrete, Inc.*, No. ST-16-CV-711 (the “Superior Court Action”).

2. U.S. Concrete filed its Notice of Removal in the above-captioned matter on December 22, 2016. (Dkt. No. 1.) Attached to the Notice of Removal is the Complaint filed in the Superior Court Action.

3. The Notice of Removal and the Complaint contain allegations that U.S. Concrete asserts are confidential regarding its business and that of its subsidiaries. Plaintiffs dispute this assertion.

4. In addition, U.S. Concrete asserts that certain exhibits to the Complaint are confidential regarding U.S. Concrete's business and that of its subsidiaries. Plaintiffs also dispute this assertion.

5. On December 16, 2016, Plaintiffs and U.S. Concrete filed a Joint Motion to Temporarily Seal Record and to Extend Responsive Pleading Deadline in the Superior Court Action, which set forth the Parties' stipulation that the record in this case, including the Complaint and its exhibits, should be temporarily sealed until and through January 30, 2017. Because the Notice of Removal concerns the allegations in the Complaint and certain of the exhibits to the Complaint, the Notice of Removal falls within the Parties' agreement to seal the record in this case.

6. Plaintiffs and U.S. Concrete have agreed that the temporary sealing of the record in this case shall not prejudice U.S. Concrete's ability to seek an order from the Court permanently sealing the record of this case, or any portion thereof, including the Complaint and its exhibits, effective on or after January 30, 2017, or Plaintiffs' ability to oppose such a permanent sealing. Nor shall the filing of this motion operate as a general appearance on behalf of U.S. Concrete.

7. Accordingly, U.S. Concrete respectfully requests that the Court enter an order confirming the Parties' agreement and temporarily sealing the Notice of Removal, including the attachments to the Notice of Removal, until and through January 30, 2017.

8. A proposed order granting this Motion is submitted herewith.

For the reasons stated herein, U.S. Concrete respectfully requests that the Court enter an order temporarily sealing the Notice of Removal, including the attachments thereto, until and through January 30, 2017.

Dated: December 22, 2016

Respectfully submitted,

/s/ Mark W. Eckard

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Defendant conferred with counsel for Plaintiffs regarding the relief requested in this motion and that Plaintiffs have agreed to a temporary sealing of the record of this case until and through January 30, 2017, and are accordingly unopposed to the relief requested.

/s/ Mark Eckard

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2016, the foregoing document was served on counsel for all counsel of record pursuant to the Federal Rules of Civil Procedure at the following addresses:

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/s/ Mark Eckard